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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,353	09/26/2006	Laurent De Volder	BVC-112	4654
20028	7590	10/30/2008	EXAMINER	
Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468			HINZE, LEO T	
			ART UNIT	PAPER NUMBER
			2854	
			MAIL DATE	DELIVERY MODE
			10/30/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/594,353	<b>Applicant(s)</b> DE VOLDER, LAURENT	
	<b>Examiner</b> LEO T. HINZE	<b>Art Unit</b> 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 25-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 25-48 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 25 and 26, drawn to a device for linear pad printing products wherein a secondary guide is provided for buffering the differences in effective deposit depth.

Group II, claim(s) 25 and 27, drawn to a device for linear pad printing products wherein each said secondary buffer element is formed by elastic elements, preferably of the spring type, which are arranged substantially axially relative to the movement axis of the pad.

Group III, claim(s) 25 and 28, drawn to a device for linear pad printing products wherein it comprises a piece holder for receiving the products to be printed.

Group IV, claim(s) 25 and 29, drawn to a device for linear pad printing products wherein said at least one pad is solid.

Group V, claim(s) 25 and 30, drawn to a device for linear pad printing products wherein said at least one pad is hollow.

Group VI, claim(s) 25 and 31, drawn to a device for linear pad printing products wherein it comprises a set of multiple printing pads for each primary guide in said device.

Group VII, claim(s) 25 and 32, drawn to a device for linear pad printing products wherein it comprises for each printing unit a set of primary and respectively secondary elements.

Group VIII, claim(s) 25 and 33, drawn to a device for linear pad printing products wherein it is integrated in an automatic or manual machine selectively.

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Group IX, claim(s) 25 and 34, drawn to a device for linear pad printing products wherein it is provided with printing means for printing products with various colors.

Group X, claim(s) 25 and 35, drawn to a device for linear pad printing products wherein it is provided with printing means for printing products on various sides thereof.

Group XI, claim(s) 36, 37, and 42, drawn to a method for linear pad printing wherein said product parameters are measured by means of an automated system on the basis of cameras provided therefor.

Group XII, claim(s) 36 and 38, drawn to a method for linear pad printing wherein said at least one secondary guide buffers the differences in effective deposit depth between a plurality of individual products to be printed.

Group XIII, claim(s) 36 and 39, drawn to a method for linear pad printing wherein said method is performed by a device comprising at least one pad with a primary guide provided for the main movement of the pad.

Group XIV, claim(s) 36 and 40, drawn to a method for linear pad printing wherein a plurality of products are printed substantially simultaneously.

Group XV, claim(s) 36 and 41, drawn to a method for linear pad printing wherein the printing parameters of the printing unit are adapted to the requirements on the basis of the measured parameters by means of a processing unit provided therefor.

Group XVI, claim(s) 36 and 43, drawn to a method for linear pad printing wherein the products are checked after printing by means of a control system provided therefor.

Group XVII, claim(s) 36 and 44, drawn to a method for linear pad printing wherein the taking up and deposit depth, and the shape and the effective hardness of the pad are set individually as parameters.

Group XVIII, claim(s) 36 and 45, drawn to a method for linear pad printing wherein conditioning of the product to be printed in the environment is proposed, in particular the piece holder.

Group XIX, claim(s) 36 and 46, drawn to a method for linear pad printing wherein conditioning of the substance to be printed, such as ink, chocolate, and the like is proposed.

Group XX, claim(s) 36 and 47, drawn to a method for linear pad printing wherein the printing of the product is carried out by means of a plurality of colors.

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Group XXI, claim(s) 36 and 48, drawn to a method for linear pad printing wherein the printing of the product is carried out on a plurality of sides thereof.

2. The inventions listed as Groups I-XXI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the inventions listed each fail to contain a special technical feature that defines over the prior art, as evidenced by the "X" reference identified in the International Search Report for parent case PCT/BE2005/00042.

3. Claim 25 link(s) inventions I through X. Claim 36 link(s) inventions XI through XXI. The restriction requirement among the linked inventions is **subject to** the nonallowance of the linking claim(s), claim 25 and 36, respectively. Upon the indication of allowability of the linking claim(s), the restriction requirement as to the linked inventions **shall** be withdrawn and any claim(s) depending from or otherwise requiring all the limitations of the allowable linking claim(s) will be rejoined and fully examined for patentability in accordance with 37 CFR 1.104 **Claims that require all the limitations of an allowable linking claim** will be entered as a matter of right if the amendment is presented prior to final rejection or allowance, whichever is earlier. Amendments submitted after final rejection are governed by 37 CFR 1.116; amendments submitted after allowance are governed by 37 CFR 1.312.

Applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, the allowable linking claim, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

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4.

5. A telephone call was made to Douglas McAllister, no. 37,886 on 14 October 2008 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LEO T. HINZE whose telephone number is (571)272-2864. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571.272.2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Anthony H Nguyen/  
Primary Examiner, Art Unit 2854

Leo T. Hinze  
Patent Examiner  
AU 2854  
23 October 2008